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UNITED STATES OF AMERICA

FILED 17 JUL 17 2002  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUL 17 2002  
at 2 o'clock and 27 min. P.M.  
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

|                               |   |                              |
|-------------------------------|---|------------------------------|
| UNITED STATES OF AMERICA,     | ) | CR. NO. 01-00299 SOM         |
|                               | ) |                              |
| Plaintiff,                    | ) | FIRST SUPERSEDING INDICTMENT |
|                               | ) |                              |
| vs.                           | ) | Count 1: 18 U.S.C. § 371     |
|                               | ) | Count 2: 18 U.S.C. § 844(i)  |
| WILLIAM NELSON, also known as | ) | Count 3: 18 U.S.C. §§ 844(i) |
| "Bula,"                       | ) | and 2                        |
|                               | ) | Count 4: 18 U.S.C. § 371     |
| Defendant.                    | ) | Count 5: 18 U.S.C. § 844(i)  |
|                               | ) |                              |
|                               | ) |                              |

FIRST SUPERSEDING INDICTMENT

COUNT 1  
(18 U.S.C. § 371)

The Grand Jury charges that:

1. At all times material to this indictment:

(a) Penske Truck Leasing Co., L.P. ("Penske") was a limited partnership with its headquarters located at Reading, Pennsylvania. Penske used trucks in interstate commerce by shipping them to other states, including Hawaii, to be leased and rented to customers in those states.

(b) In January 1999, Penske owned trucks in Hawaii that were available for leasing and renting by customers. The trucks were stored on a lot located at 304 Puuhale Road, Honolulu, Hawaii.

2. From a date unknown to the grand jury but approximately some time during the first or second week of January 1999, and continuing thereafter until on or about January 19, 1999, in the District of Hawaii, Defendant WILLIAM NELSON ("NELSON"), also known as "Bula," and others known and unknown to the Grand Jury, knowingly and intentionally conspired to commit an offense against the United States, to wit, to maliciously destroy, or attempt to destroy, by means of fire, vehicles used in interstate commerce, in violation of Title 18, United States Code, Section 844(i).

Objects of the Conspiracy

3. There were at least two objects of the conspiracy:

a. To maliciously destroy, or attempt to destroy, by means of fire, on January 17, 1999, vehicles owned by

Penske that were used in interstate commerce, in violation of Title 18, United States Code, Section 844(i); and

b. To maliciously destroy, or attempt to destroy, by means of fire, on January 19, 1999, vehicles owned by Penske that were used in interstate commerce, in violation of Title 18, United States Code, Section 844(i).

**Overt Acts**

4. In furtherance of said conspiracy and to effect the objects thereof, the defendant committed overt acts in the District of Hawaii which include, but are not limited to, the following:

Regarding the arsons committed on January 17, 1999:

(a) On or before January 17, 1999, after being asked by a co-conspirator who has the initials G.G., NELSON agreed to burn vehicles owned by Penske that were parked on a lot at Puuhale Road in Honolulu, Hawaii. G.G. told NELSON that he would be paid about \$1,000 per burned truck.

(b) On or about January 17, 1999, NELSON went to where Penske's trucks were parked on the lot at Puuhale Road and threw sandwich bags containing gasoline onto the hoods of some of Penske's trucks.

(c) On or about January 17, 1999, after throwing the sandwich bags containing the gasoline on the hoods of Penske's trucks, NELSON used a road flare to ignite the gasoline. The fire resulted in damage to vehicles owned by Penske, including: a 1997 GMC Van, VIN 1GDHGG31R7V1042790; a

1995 GMC Van, VIN 1GDHGG31K2SF526464; a 1998 GMC Van, VIN 1GDHGG31R2W1024439; and a 1995 Chevy truck, VIN 1GBJC34K9SE212804.

As to the arsons committed on January 19, 1999:

(d) On or before January 19, 1999, after first being asked by G.G., NELSON agreed to burn additional trucks owned by Penske.

(e) On or about January 19, 1999, NELSON and a co-conspirator with the initials N.M. went to the Penske lot on Puuhale Road. NELSON threw sandwich bags containing gasoline onto the hoods of some of Penske's trucks. NELSON and N.M. then ignited the gasoline.

(f) On or about January 19, 1999, the fire at the Penske lot in Honolulu, Hawaii, resulted in damage to vehicles owned by Penske, including: a 1995 Chevy flatbed truck, VIN 1GBHC34K9SE227799; a 1995 Chevy flatbed truck, VIN 1GBJC34K7SE209254; a 1995 Chevy flatbed truck, VIN GBJC34K1SE209699; a 1998 GMC pick-up truck, VIN 1GTGC24R2WE534753; a 1998 GMC pick-up truck, VIN 1GTGC24R5WE534830; a 1999 GMC pick-up truck, VIN 1GTGC24R2XF010949; and a 1995 flatbed truck, VIN 1GBHC34K0SE228355.

All in violation of Title 18, United States Code, Section 371.

COUNT 2

(18 U.S.C. § 844(i))

The Grand Jury further charges that:

1. Paragraphs 1(a) and 1(b) of Count 1 of this First Superseding Indictment are incorporated herein by reference.

2. On or about January 17, 1999, in the District of Hawaii, the defendant WILLIAM NELSON, also known as "Bula," maliciously damaged and destroyed, by means of fire, vehicles used in interstate commerce, to wit, a 1997 GMC Van, VIN 1GDHG31R7V1042790; a 1995 GMC Van, VIN 1GDHG31K2SF526464; a 1998 GMC Van, VIN 1GDHG31R2W1024439; and a 1995 Chevy truck, VIN 1GBJC34K9SE212804.

All in violation of Title 18, United States Code, Section 844(i).

COUNT 3

(18 U.S.C. §§ 844(i) and 2)

The Grand Jury further charges that:

1. Paragraphs 1(a) and 1(b) of Count 1 of this First Superseding Indictment are incorporated herein by reference.

2. On or about January 19, 1999, in the District of Hawaii, the defendant WILLIAM NELSON, also known as "Bula," did maliciously damage and destroy, and aid and abet in such damage and destruction, by means of fire, vehicles used in interstate commerce, to wit, a 1995 Chevy flatbed truck, VIN 1GBHC34K9SE227799; a 1995 Chevy flatbed truck, VIN 1GBJC34K7SE209254; a 1995 Chevy flatbed truck, VIN 1GBJC34K1SE209699; a 1998 GMC pick-up truck, VIN

1GTGC24R2WE534753; a 1998 GMC pick-up truck, VIN  
1GTGC24R5WE534830; a 1999 GMC pick-up truck, VIN  
1GTGC24R2XF010949; and a 1995 flatbed truck, VIN  
1GBHC34K0SE228355.

All in violation of Title 18, United States Code,  
Sections 844(i) and 2.

COUNT 4  
(18 U.S.C. § 371)

The Grand Jury charges that:

1. At all times material to this indictment:

(a) Textron Financial Corporation ("Textron") was a corporation with its headquarters located at Providence, Rhode Island. Textron leased portable toilets to Pumpers Inc., doing business as A's Party Portables, which was a corporation with its headquarters located at Waianae, Hawaii.

(b) On February 24, 1999, A's Party Portables stored 46 portable toilets at the Aloha Stadium parking lot. The toilets had been rented by Aloha Stadium and used in a concert.

2. From a date unknown to the grand jury but approximately on or about February 23, 1999, and continuing thereafter until on or about February 24, 1999, in the District of Hawaii, Defendant WILLIAM NELSON ("NELSON"), also known as "Bula," and others known and unknown to the Grand Jury, knowingly and intentionally conspired to commit an offense against the United States, to wit, to maliciously destroy, or attempt to destroy, by means of fire, personal property used in interstate

commerce, in violation of Title 18, United States Code, Section 844(i).

Object of the Conspiracy

3. There was one object of the conspiracy:

a. To maliciously destroy, or attempt to destroy, by means of fire, on February 24, 1999, personal property, that is, portable toilets leased by A's Party Portables, that were used in interstate commerce, in violation of Title 18, United States Code, Section 844(i).

Overt Acts

4. In furtherance of said conspiracy and to effect the objects thereof, the defendant committed overt acts in the District of Hawaii which include, but are not limited to, the following:

(a) On or about February 23, 1999, after first being asked by G.G., NELSON agreed to burn portable toilets belonging to A's Party Portables that were stacked together in the parking lot at Aloha Stadium in Honolulu, Hawaii.

(b) On or about February 24, 1999, NELSON poured gasoline under the wooden pallets on which portable toilets were stacked and ignited the fuel causing damage to 46 portable toilets leased by A's Party Portables.

All in violation of Title 18, United States Code, Section 371.

COUNT 5

(18 U.S.C. § 844(i))

The Grand Jury further charges that:

1. Paragraphs 1(a) and 1(b) of Count 4 of this First Superseding Indictment are incorporated herein by reference.

2. On or about February 24, 1999, in the District of Hawaii, the defendant WILLIAM NELSON, also known as "Bula," maliciously damaged and destroyed, by means of fire, personal property used in interstate commerce, to wit, 46 portable toilets.

All in violation of Title 18, United States Code, Section 844(i).

DATED: July 17, 2002, at Honolulu, Hawaii.


A TRUE BILL

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FOREPERSON, GRAND JURY

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UNITED STATES v. WILLIAM NELSON  
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